

TOWN OF NEW WINDSOR

ZONING BOARD

November 14, 2011

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
 FRANCIS BEDETTI
 RICHARD HAMEL

ALSO PRESENT: ANDREW KRIEGER, ESQ.
 ZONING BOARD ATTORNEY

 NICOLE PELESHUCK
 ZONING BOARD SECRETARY

ABSENT: PATRICK TORPEY
 HENRY SCHEIBLE

REGULAR MEETING:

MR. KANE: I'd like to call the Town of New Windsor
Zoning Board of Appeals November 14, 2011 meeting to
order.

APPROVAL OF MINUTES DATED 9/26/11

MR. KANE: Motion to accept the minutes of
September 26, 2011 as written?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PRELIMINARY MEETINGS:

CORINNE & MATTHEW LYNCH (11-29)

MR. KANE: Tonight's first preliminary meeting Corinne and Matthew Lynch, request for two variances for an existing shed and existing rear deck. The shed needs a four foot variance on the side property line and a two foot to the rear property line. The second variance for the existing deck which is 28 foot by 28 foot seven inches, the deck is 30.5 feet from the rear property line. A variance of 19.5 is required, located at 432 Knox Drive in an R-4 zone. How you doing?

MR. LYNCH: Very good.

MR. KANE: In New Windsor, what we do is we hold two meetings. A lot of towns hold one and if you're not prepared when you walk in and you say the wrong things goodbye for six months. So we chose to hold two meetings, get a general idea of what you want to do, make sure that you bring enough information so we can make a decision and as by law, all our decisions are made at a public hearing. So this particular one is a preliminary hearing, it's going to follow the same agenda when we go to the public hearing, except if any neighbors or whatever show up at that time and they have any questions at this point we'll answer those. What I'd liked to do is have you state your name, address, speak loud enough for the young lady over there to hear you, tell us what you want to do.

MR. LYNCH: My name is Matthew Lynch, I live at 42 Knox Drive. I'm here for the variance on my deck and my shed, I thought. I just want to get it all legit, just want to.

MR. KANE: So questions I have ask may seem a little nonsensical, they need to be asked, I obviously have pictures but I've got to ask them. The shed is existing and the deck is existing, we'll take them both at the same time. About how long have the deck and the shed been in existence?

MR. LYNCH: The newest part of the deck is probably eight years.

MR. KANE: And the remainder?

MR. LYNCH: When I first did the addition I guess 10

years ago, I don't have the exact.

MR. KANE: Ten years is good enough.

MR. LYNCH: That's about the same with the shed 10 years.

MR. KANE: During that time, have you had any complaints formally or informally about the deck or the shed?

MR. LYNCH: From neighbors?

MR. KANE: From neighbors?

MR. LYNCH: No, sir.

MR. KANE: Nothing formal, nothing informal?

MR. LYNCH: Never.

MR. KANE: Create any water hazards or runoffs in the building of the deck or the placement of the shed?

MR. LYNCH: No.

MR. KANE: Any easements running through the area where the deck is or the shed is?

MR. LYNCH: No.

MR. KANE: And in the building of the deck and the shed did you cut down any trees or substantial vegetation?

MR. LYNCH: Nothing at all.

MR. KANE: That's the basics. And you understand then that if we approve your requested variances that you are still subject to all the laws and regulations from the building department, they come in, they inspect, make sure?

MR. LYNCH: I thought that was all done.

MR. KANE: It's the process, the reason you're here is because your building permits got turned down, that's the only way you get to see us. So once that's done if we say yeah, go ahead, he's got the variances then what they're going to do is take a look at your deck, take a look at the shed and make sure that they meet all the

other requirements that the town has for either one of those.

MR. LYNCH: As far as I know, they gave the contractor a list of what needed to be done and we did it exactly how he wanted it.

MR. KANE: Any questions from the board at this time?

MR. BEDETTI: You mentioned a contractor and the deck, the shed obviously exists and the deck exists, are you extending the deck?

MR. LYNCH: No, we made it up to code of the town.

MR. KANE: You brought the contractor in to bring it up to code?

MR. LYNCH: We, yeah, he dug new holes with piers, handrails.

MR. KANE: Probably turned him down and you're probably going to need to do this, this and this.

MR. BEDETTI: Is that recently?

MR. KANE: Yes.

MR. BEDETTI: Is the house for sale?

MR. LYNCH: No, I have three daughters, two grandkids and a third grandkid on the way living there.

MR. BEDETTI: Just interested how you got to come here now after two years.

MR. LYNCH: I had a leak, all started from a leak in the house, I was getting mold in the basement so I said the only place I haven't checked was under the cement porch. We hired a guy, chipped the whole thing away, found out the sill plate was rotted away, we took that away, put a new sill plate in, dug down the foundation, tarred it, flashed it, now I says all right, put just instead of a cement deck build me a deck and he said well, I have to get a permit so we came here and found out I had five violations.

MR. KANE: Once you ask for the permit, it opens up the doors.

MR. LYNCH: It was from an extension that I built which I swore and obviously it wasn't but I swore everything went through except me coming and get a C.O. I had the town, everything I did with that.

MR. KANE: Normally having been through it myself once you get a building permit it's not open-ended so once you finish the job, if you don't get the C.O. it expires.

MR. LYNCH: I had them check everything like the construction, like the checks right up to the electric so obviously they didn't have electric on file, that's what opened up the biggest can of worms. So I said while we have all these violations let me take care of everything.

MR. KANE: Did you get a mailing card? Usually they send it to the homeowner.

MR. LYNCH: When I had the extension built?

MR. KANE: Yeah.

MR. LYNCH: I have nothing.

MR. KANE: Or put a sticker then they send one to the town.

MR. LYNCH: The whole filing of the extension is gone so whatever is in the town file is what I went by and I brought it up to date, everything needed to be done.

MR. BEDETTI: One more question. Where your shed is virtually on the property line, what's right on the other side? Is there another house back there?

MR. LYNCH: Yeah, yes, I have a shed, side to side with my shed and there's another property line on the back side of the shed with a pool, you know, maybe 10 feet away from the shed.

MR. BEDETTI: A neighbor's pool?

MR. LYNCH: Neighbor's pool.

MR. BEDETTI: That's good.

MR. KANE: Any further questions? None? I'll accept a motion for a public hearing.

MR. BEDETTI: I'll make a motion that we schedule a public hearing for Corinne and Matthew Lynch for a variance for an existing shed and an existing deck at 42 Knox Drive in an R-4 zone for a request for a variance as requested.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

RICHARD & ROSE MARIE ROSE (11-30)

MR. KANE: First and only public hearing is Richard and Rose Marie Rose a request for a variance for a 10' x 14' shed. The proposed shed will not meet the minimum 10' side yard setback. A variance of nine feet is requested at 2611 Liberty Ridge in an R-3 zone. I'll ask if there's anybody here for this particular meeting? Are you here for this meeting? Seeing as there's nobody here, we don't have to worry about the list. Same as the preliminary, tell us exactly what you want to do. First state your name and address.

MR. ROSE: Richard Rose, 2611 Liberty Ridge, New Windsor, New York 12553. I want to put a 10 by 14 shed one foot from the property line.

MRS. PELESHUCK: The last time you were here they wanted the brochure of what the shed was going to look like.

MR. KANE: Okay.

MRS. PELESHUCK: That's in the back, Mr. Bedetti, all the way in the back.

MR. KANE: Once again, is shed going in an area where there are any easements--

MR. ROSE: No.

MR. KANE: -- running through the property. Creating any water hazards or runoffs in the building of the shed?

MR. ROSE: No.

MR. KANE: Cutting down any substantial vegetation or trees in the building of the shed?

MR. ROSE: None at all.

MR. KANE: Shed doesn't exist yet, correct?

MR. ROSE: No.

MR. KANE: Ten by 14 shed similar in size and nature to

other sheds that are in your neighborhood?

MR. ROSE: Some have a little different roof.

MR. KANE: Similar in size 10 by 14, it's not an abnormally big shed?

MR. ROSE: No.

MR. KANE: Frank, questions?

MR. BEDETTI: Yeah, what is it that would prevent you from moving it a little bit further into your property?

MR. ROSE: I have a walkway that if it moved in it would actually be on the walkway, the front of the shed is three feet from the walkway.

MR. KANE: If I remember correctly, you're putting it in this corner right over here right in the corner where that little, that's the space it's going to go in?

MR. BEDETTI: I remember now.

MR. ROSE: It's a quarter acre lot.

MR. KANE: That's why we ask for pictures, makes everything a lot easier. With the shed being in that corner right by the, it's not going to be an eyesore for neighbors in any way?

MR. ROSE: No.

MR. KANE: I didn't think there was an issue, nobody's here. At this point, I'm going to open it up to the public, ask if there's anybody in the audience for this particular hearing? Seeing as there's not, we'll close the public portion of the meeting, ask Nicole how many mailings.

MRS. PELESHUCK: On the 2nd day of November, 2011, I compared 79 addressed envelopes and received no written response back.

MR. KANE: Seventy-nine.

MRS. PELESHUCK: You compared, I just mailed.

MR. KANE: Okay, further questions from the board at

this time?

MR. BEDETTI: Is that fence going to stay in place, is that correct?

MR. ROSE: Yes.

MR. BEDETTI: Right in the corner over there?

MR. ROSE: Take the fence out, the shed's going to go in and the fence is going back where it is.

MR. BEDETTI: No, I'm good.

MR. KANE: I have to state as I always do when there's only three of us and give you the opportunity to, you need three votes to pass, that's the way it's got to be. And normally we have five guys here, people, and so I usually will give the applicant the option of waiting for a full board to vote on it or just go ahead with what you have. If you get one no vote, you lose.

MR. ROSE: I'll go with it.

MR. KANE: Okay, you're on, I'll accept a motion.

MR. HAMEL: I'll make a motion that we grant Richard and Rose Marie Rose a variance as requested.

MR. BEDETTI: I'll second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE
MR. KANE	AYE

MR. ROSE: Thank you.

MR. KANE: Next meeting is December 12. Motion to adjourn?

MR. BEDETTI: So moved.

MR. HAMEL: Second it.

ROLL CALL

MR. BEDETTI	AYE
MR. HAMEL	AYE

MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer